



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE July 15, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Robert Ruiz	FILE NO. COAL 04-0350 SUB2003-00323
SUBJECT A request by Robert Ruiz for a Lot Line Adjustment to adjust the lot lines between two parcels of 27.4 and 1.4 acres each. The adjustment will result in two parcels of 26.24 and 2.56 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at 325 Mehlschau Road, approximately ½ mile north of the community of Nipomo. The site is in the South County Inland planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 04-0350 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption was issued on June 14, 2005			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 090-051-021, -049	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Sec. 22.112.040 – Rural Area Standards; Agriculture. Limitation on use (meets standard)			
LAND USE ORDINANCE STANDARDS: None applicable			
EXISTING USES: Residence, row crops			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / row crop East: Agriculture / row crop South: Agriculture / row crop West: Agriculture / row crop			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, Nipomo Community Services District, Olde Towne Nipomo Association	
TOPOGRAPHY: Nearly level	VEGETATION: Row crops
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: January 28, 2005

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between 2 legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
1.40	2.56
27.4	26.24

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to reflect the existing uses and structures on each parcel. The lot line adjustment is intended to "clean-up" the parcel lines so that all development associated with the single-family residence is located on a single property. Currently the well and septic system are located on a separate property from the residence.

Agricultural Commissioner

The project was referred to the Agricultural Commissioner's office for review and comment. The Commissioner stated that the applicant had addressed their concerns and that the project was equal to the existing parcel configuration in terms of agricultural impacts. The Commissioner requested that the County's Right-to-Farm notification be included as a condition of approval.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because one of the parcel sizes is below the minimum parcel size as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

The two lots were created by deed at a time when that was a legal method of creating lots.

FINDINGS - EXHIBIT A

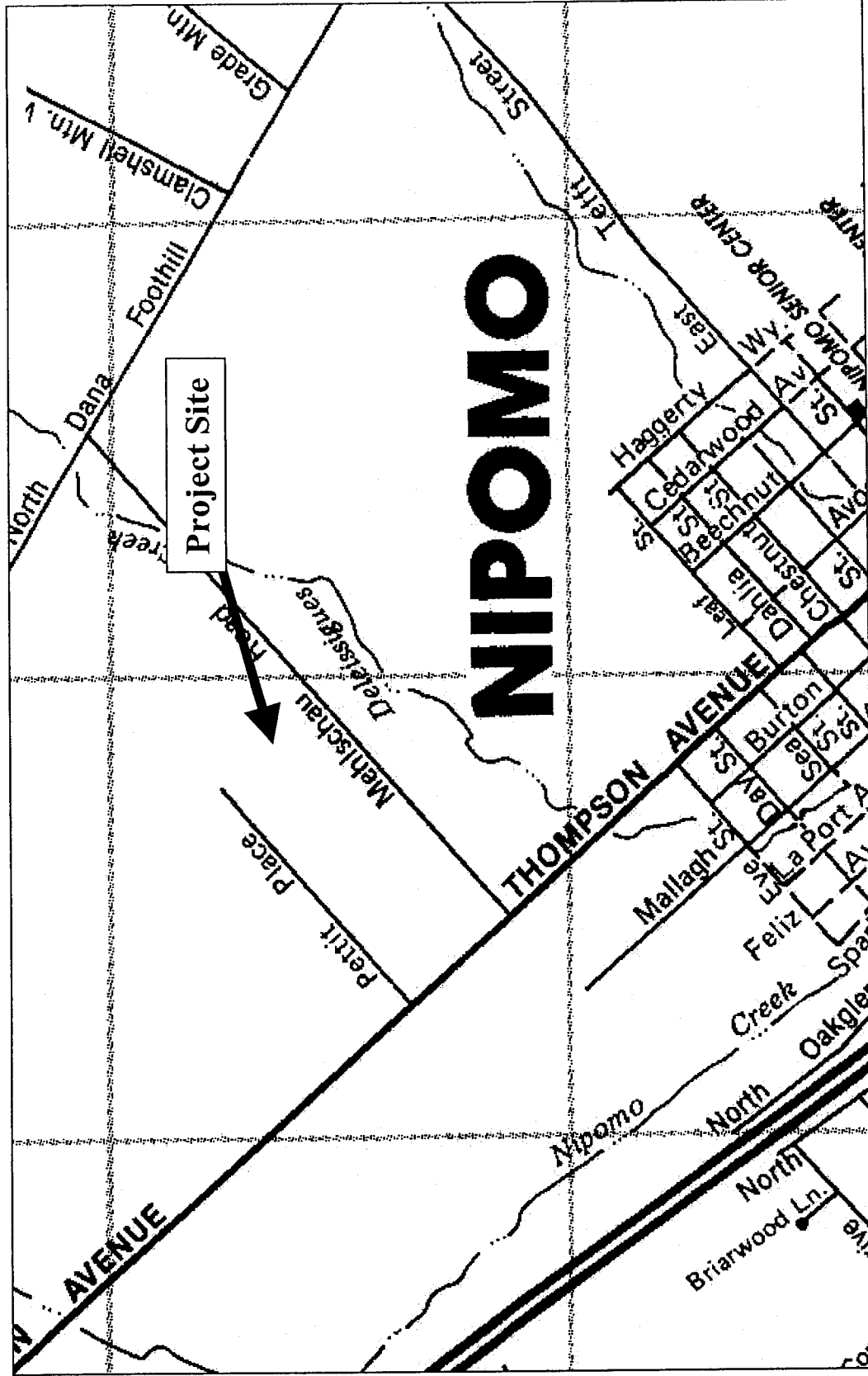
- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the proposed configuration is equal to the existing configuration in that one of the parcel sizes is below the minimum parcel size as set through the General Plan and will remain so after the adjustment, and the lot line adjustment is intended to "clean-up" the parcel lines so that all development associated with the single-family residence is located on a single property. Therefore, staff has concluded that the adjustment is consistent with both state and local law.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15303 because the project is considered a minor alteration on land with a slope of less than 20%, that do not result in changes in land use or density.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with fees to Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action.
10. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:
 - a. The applicant shall provide each new landowner with a copy of the County Right-to-Farm Ordinance and notification regarding adjacent agricultural land uses.

Notification shall include typical and potential hours of operation, the types of crops grown and the usual activities that may occur on properties with irrigated orchards or commercial nurseries. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity.

Staff report prepared by Brian Pedrotti and reviewed by Kami Griffin

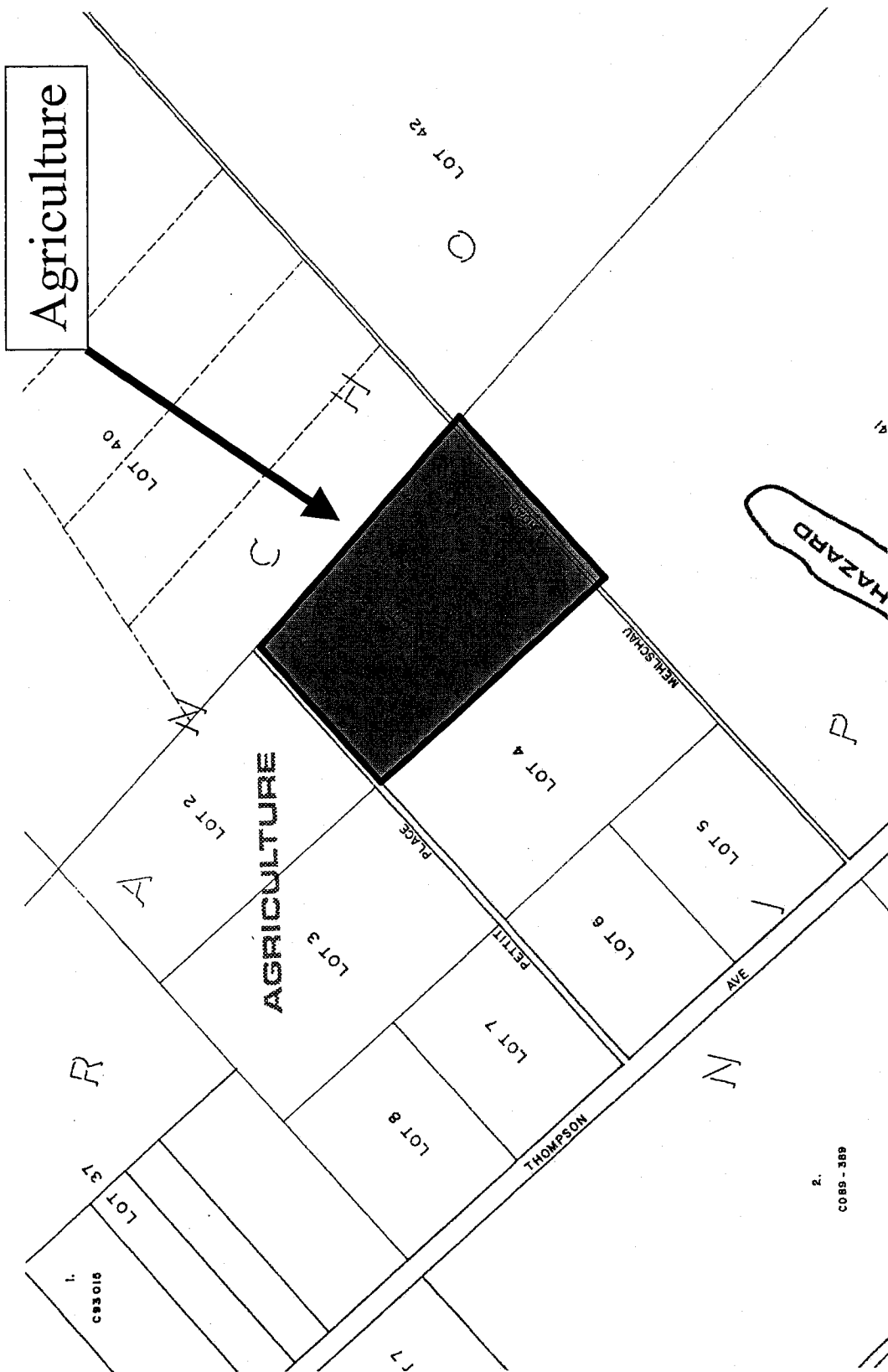


Project

SUB2003-00323 – Ruiz LLA

Exhibit

Vicinity Map





COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: May 6, 2005

TO: Brian Pedrotti, Planner III

FROM: Lynda L. Auchinachie, Agriculture Department *LA*

SUBJECT: Ruiz Lot Line Adjustment Revised Map SUB2003-00323 (0910)

MAY 6 2005

Comments

Thank you for the opportunity to review the revised Lot Line Adjustment map. The applicant has addressed the Agriculture Department's concerns and the proposal to change the configuration of two existing parcels of approximately 1.40 and 27.4 acres to 2.56 and 26.24, located on Mehlschau Road, is equal to the existing parcel configuration. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations. Please include the County's Right-to-Farm notification as part of the project approval.

Comments are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have questions, please call 781-5914.

